

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,
Defendant.

ORDER FOR DISCLOSURE OF JURY RECORDS

June 26, 2014

O'TOOLE, D.J.

Having reviewed the defendant's request for the disclosure of jury records and the relevant authorities, including the Jury Selection and Service Act of 1968, 28 U.S.C. §§ 1861-78, and Test v. United States, 420 U.S. 28 (1975), the defendant's Motion (dkt. no. 305) for Disclosure of Jury Records is generally granted, subject to data maintenance and retrieval. The Clerk of the Court is therefore ordered to provide the following information to the defendant:

1. AO-12 Forms or JS-12 Forms completed for the Calendar Years 2011, 2012, and 2013 Master and Supplemental Jury Wheels during the life of the wheels.
2. Statistical analyses of the Calendar Years 2012 and 2013 Master and Supplemental Jury Wheels.¹
3. A blank juror summons/qualification form used to summon the Grand Jurors.
4. The Calendar Years 2011, 2012, and 2013 Master Jury Wheel data.
The data should not include any personally identifiable information such as Name and Street Address but should include Participant Number, Zip Code, County, Municipality, and Date of Birth, to the extent available. The Master Jury Wheel data should be in electronic and accessible form and should include a layout with descriptions of all data fields and codes.

¹ This information does not exist for 2011.

5. The Calendar Years 2011, 2012, and 2013 Supplemental Jury Wheel data.
The data should not include any personally identifiable information such as Name and Street Address but should include Participant Number, Zip Code, County, Municipality, and Date of Birth, to the extent available. The Supplemental Jury Wheel data should be in electronic and accessible form and should include a layout with descriptions of all data fields and codes.
6. Results of the national change-of-address comparison for Calendar Years 2011, 2012, and 2013.
7. All Draws from the Calendar Years 2011, 2012, and 2013 Master and Supplemental Jury Wheel.
The data should include Participant Number, pool summoned for, date of summoning, type of jury service (grand or petit) and disposition for each summons sent during the life of the wheel. The disposition should indicate whether the summons was returned undeliverable, not responded to, disqualified, reason for disqualification, qualified, excused, reason for excusal, selected for jury service and/or served as a juror.
8. Source Data
 - a) The municipal resident lists used to construct the Calendar Years 2011, 2012, and 2013 Master and Supplemental Jury Wheels.
The source data should be in electronic and accessible form and should include a layout with descriptions of all data fields and codes. Personally identifiable information such as Name and Street Address should be redacted but information such as Zip Code, County, and demographic information should be retained.
 - b) Any statistical or other analyses of the municipal resident lists.

The defendant will not be granted access to completed juror summons/qualification forms and supporting documentation unless he can make some showing of reasonable necessity for and relevance to his preparation of a motion challenging this District's jury selection procedures. While the Court agrees with the defendant that sensitive juror information should remain private, the redaction of all personally identifiable information from tens of thousands of forms will pose an extraordinary administrative burden on the Clerk's Office. The defendant's right to inspect jury records is not without bounds. See United States v. Savage, 2013 WL 797417, at *3 (E.D. Pa. Mar. 5, 2013); United States v. Diaz, 236 F.R.D. 470, 482 (N.D. Cal. 2006).

Defense counsel is directed to make arrangements for transfer of the requested information directly with the Clerk of the Court, or his designee.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge